

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RASHEED JOHNSON,)
Plaintiff,)
vs.) **CASE NO. 08-cv-730-JPG-PMF**
HARLEY G. LAPPIN, et al.,)
Defendants.)

REPORT AND RECOMMENDATION

FRAZIER, Magistrate Judge:

Before the Court is defendants' motion to dismiss for failure to prosecute. The motion is opposed (Doc. No. 68). Defendants argue that plaintiff failed to prosecute this case after escaping from custody on December 28, 2010. They point out that he failed to report his whereabouts in a timely manner. The materials submitted show that plaintiff did not comply with Local Rule 3.1, which requires litigants to advise the Clerk and opposing parties of any change in location within 7 days. SDIL-LR 3.1(b). Yet, Johnson has reported address changes to the Clerk and the defendants on January 18 and January 25, 2011 and on February 25, 2011 (Doc. Nos. 55, 58, 71). The initial delay in updating address information was relatively short and did not cause any significant interruption in the progress of this litigation. In these circumstances, the sanction of dismissal would be too harsh. *Gabriel v. Hamlin*, 514 F.3d 734, 736 (7th Cir. 2008)(dismissal for want of prosecution is an extraordinarily harsh sanction that should be used only when there is a clear record of delay or contumacious conduct or less drastic sanctions have been unavailing).

IT IS RECOMMENDED that the motion to dismiss for want of prosecution (Doc. No. 52) be DENIED.

SUBMITTED: March 4, 2011.

S/Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE